


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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

ISREAL JOSEPH, SR., ET AL.

CIVIL ACTION NO. 08-0957

VERSUS

JUDGE DOHERTY

BAXTER INT'L, ET AL.

MAGISTRATE JUDGE HILL

MEMORANDUM RULING AND ORDER

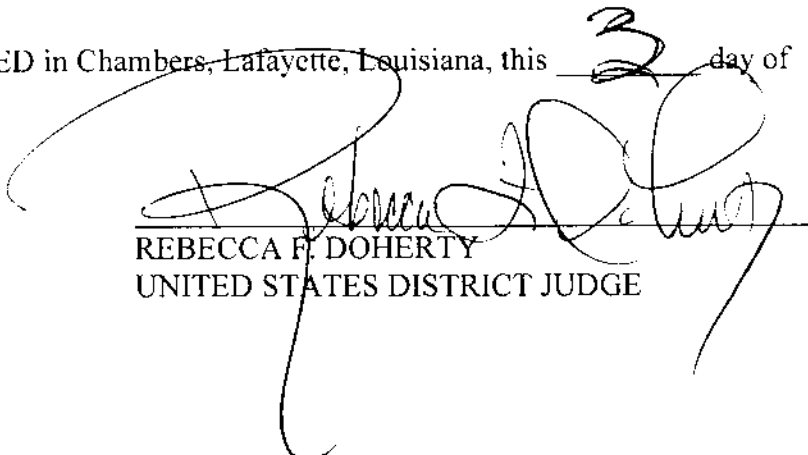
The magistrate judge issued a Report and Recommendation in this matter on October 20, 2008, recommending the dismissal without prejudice of certain state law claims against certain Louisiana defendants and recommending that the matter be stayed with respect to all claims pending against the Baxter entities, pending the outcome of a decision by the Judicial Panel on Multi District Litigation as to whether this matter should be transferred to the MDL [Doc. 26]. Plaintiff filed Objections to the Report and Recommendation on October 24, 2008 [Doc. 27]. Unbeknownst to the magistrate judge, this matter was actually transferred to an MDL proceeding in the Northern District of Ohio, *In Re Heparin Products Liability Litigation*, MDL No. 1953, on October 8, 2008 [Doc. 25]. Consequently, the transfer of this matter to the MDL proceeding pre-dated the date of issuance of the magistrate judge's Report and Recommendation.

Considering the foregoing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the magistrate judge's Report and Recommendation [Doc. 26], as well as the plaintiffs' Objections [Doc. 27], be

REFERRED to the Northern District of Ohio to take whatever action is deemed appropriate by that Court.

THUS DONE AND SIGNED in Chambers, Lafayette, Louisiana, this 3 day of November, 2008.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE